

**James Kennedy**

1

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Michael Williamson, et al.,  
Plaintiffs, Case No. C2-06-292  
vs. Judge Edmund A. Sargus  
Magistrate Judge Terence Kemp  
Recovery Limited Partnership, et al.,

Defendants.

-----/  
DEPOSITION OF JAMES MATTHEW KENNEDY

DATE: OCTOBER 17, 2012  
TIME: 10:08 a.m.  
PLACE: 3111 Cardinal Drive  
Vero Beach, Florida

**EXHIBIT**

TAKEN BY: PLAINTIFFS

REPORTER: GREGORY CAMPBELL, Notary Public  
State of Florida at Large

APPEARANCES BY VIDEO CONFERENCE:  
FOR PLAINTIFFS:

MCNAMARA AND MCNAMARA, L.L.P.  
88 East Broad Street  
Suite 1250  
Columbus, Ohio 43215

BY: MICHAEL R. SZOLOS, SR., ESQUIRE

FOR DEFENDANTS:

ORGAN, COLE+ STOCK, L.L.P.  
1335 DUBLIN ROAD  
Suite 104D  
Columbus, Ohio 43215  
BY: SHAWN J. ORGAN, ESQUIRE  
FARLOW & ASSOCIATES, L.L.C.  
270 Bradenton Avenue  
Suite 100  
Dublin, Ohio 43017

BY: CHRIS L. TROLINGER, ESQUIRE

**James Kennedy**

**2**

CAMPINHA BACOTE, L.L.P.  
341 South Third Street  
Suite 200  
Columbus, Ohio 43215  
BY: AVONTE CAMPINHA-BACOTE, ESQUIRE  
CARLTON J. WILLEY, ESQUIRE

BY SPEAKERPHONE:  
HOLLAND & KNIGHT  
31 West 52nd Street  
New York, New York 10019  
BY: MICHAEL J. "MIKE" FREVOLA, ESQUIRE

## James Kennedy

3

## I N D E X O F P R O C E E D I N G S

D E P O S I T I O N O F J A M E S M A T T H E W K E N N E D Y  
P A G E N O .

DIRECT EXAMINATION BY MR. SZOLOS	4
CROSS-EXAMINATION BY MR. ORGAN	22
CROSS-EXAMINATION BY MR. TROLINGER	44
REDIRECT EXAMINATION BY MR. SZOLOS	56
RECROSS-EXAMINATION BY MR. TROLINGER	61
CERTIFICATE OF OATH	63
CERTIFICATE OF REPORTER	64

## I N D E X O F E X H I B I T S

## P L A I N T I F F S ' E X H I B I T S

N O .	D E S C R I P T I O N	P A G E   N O .
-------	-----------------------	-----------------

\*\*\*\*\* NONE \*\*\*\*\*

## D E F E N D A N T S ' E X H I B I T S

N O .	D E S C R I P T I O N	P A G E   N O .
-------	-----------------------	-----------------

\*\*\*\*\* NONE \*\*\*\*\*

**James Kennedy**

4

1       AND THEREUPON,

2                   JAMES MATTHEW KENNEDY,  
3       called as a witness on behalf of the Plaintiffs herein,  
4       after having been first duly sworn, was examined and  
5       testified as follows:

6               THE WITNESS: Yes, sir.

7                   DIRECT EXAMINATION

8       BY MR. SZOLOSÍ:

9           Q    Good morning, Mr. Kennedy. This is Michael  
10       Szolosi. How are you?

11          A    I'm good. How about you?

12          Q    Good. A couple of quick instructions: I will be  
13       asking questions, then, other lawyers may as well. When we  
14       ask questions if they're not understood, will you let us  
15       know you don't understand my question?

16          A    Yes, sir. Yes.

17          Q    And when you answer, just as you just did, please  
18       use a verbal response as opposed to shaking your head or  
19       uh-huhs, things of that sort. Is that agreeable?

20          A    Yes, sir.

21          Q    Thank you. Would you state your name for the  
22       record.

23          A    James Matthew Kennedy.

24               MR. SZOLOSÍ: And what is -- Let's go off the  
25       record again as we did for some personal information

**James Kennedy**

5

1           that you can then simply confer you gave us when we go  
2           back on the record.

3                       (OFF THE RECORD.)

4           BY MR. SZOLOS:

5           Q   While we were off the record, Mr. Kennedy, did you  
6           provide your address and phone number to us?

7           A   Yes, sir.

8           Q   All right. Is the address where you live about a  
9           mile or so from this 1965 28th Avenue property?

10          A   Yeah. Within a mile.

11          Q   Okay. Thank you. And on occasion do you perform  
12          work on a contract basis for Vance Brinkerhoff?

13          A   Yes. I go look at... if he has a house to sell or  
14          something like that and the people are wanting to sell the  
15          house and they don't want to have painted or something, I'll  
16          go over and clean it up, wash it down, and I look at  
17          everything, check the roofs, things like that on occasion.

18          Q   All right. Did you some years back initially  
19          propose that this property at 1965 28th Avenue be rented by  
20          the California owner?

21          A   Well, yeah. What it was is, I met Jim a long time  
22          ago. I used to have an old pickup truck -- Can you hear me?

23          Q   Yeah. When you say you met Jim, that's the owner?

24          A   Yes. Mr. Fairweather.

25          Q   All right.

**James Kennedy**

6

1           A    I met him because there was a sign on the truck  
2           and it said exterior cleaning. He asked me to come by one  
3           day and look at it. I followed him over to the house, me  
4           and the guy that was working with me, and we looked at it,  
5           cleaned it up.

6                   Jim and I pretty much became friends. I looked  
7           after the place for a little bit, took care of a few things  
8           here and there. I put some tile in the cabana for him where  
9           the swimming pool is. I can't remember everything exactly.  
10          You've got to bear with me on that. I take Tegretol and  
11          Dilantin. I've got severe epilepsy. There's pieces and  
12          parts that just disappear.

13                   But after getting to know Jim for a little while  
14          and I knew Vance already, I asked Vance one day, I asked  
15          him, you know, When you guys have all the millionaires and  
16          billionaires come in buying property here, where are they  
17          staying at. And he said that they put them up at the  
18          Driftwood. That's literally right across the street almost  
19          from here.

20                   And I thought about it because the big -- I refer  
21          to the Gracewood mansion as the big house because it's  
22          really a big, old house. And I referred to him -- I said to  
23          him, you know, you might want to talk to Jim because this  
24          would be a good idea for your people that you guys bring in  
25          out of town. It would give them privacy, it's got a big

**James Kennedy**

7

1 gate, they got their own swimming pool, things like that,  
2 and, you know, make you feel a little bit more important.  
3 And they talked to each other and they started doing it.

4 Q Okay. Yesterday when you and I spoke you agreed  
5 to come today to be deposed?

6 A Yes.

7 Q Thank you as well. All right. Now, when they,  
8 when Mr. Thompson became a tenant, this was after others had  
9 rented the big house --

10 A Yes.

11 Q -- did you have any dealings with him?

12 A Mr. Thompson? No. I never, never met him before  
13 that. He kind of creeped --

14 Q No. After he rented the house, did you do some  
15 work there?

16 A I know I did some things, like, maybe trees or  
17 tile or something like that. I've been back and forth. But  
18 Mr. Thompson was... he gave me an uneasy feeling. He didn't  
19 like being around people it didn't seem and it was kind of  
20 creepy because I had heard, I don't remember who told me  
21 about it, but that he had some kind of disease or something  
22 from a mosquito that he got bit by or something like that  
23 and I'm kind of a germ freak anyway about stuff like that  
24 but... and there was one time a real long time ago, it's  
25 been years, I don't know how many years, but he had --

**James Kennedy**

8

1        hadn't paid the rent and me and a friend of mine, Big John,  
2        we went over, knocked on the door and he was out in the  
3        cabana and I told him, I said, Vance needs the rent because  
4        the man in California's going to, you know, kick you out if  
5        you don't. And when he came out onto the pool deck, he was  
6        wearing a pair of leather shoes, black socks and -- I'm not  
7        trying to be rude here, but can I speak bluntly?

8            Q    Go ahead.

9            A    He just had a pair of shitty underwear on, it  
10        looked like he crapped himself, and glasses. His hair was  
11        all crazy. After that, me and John referred to him as the  
12        crazy professor because it just fit. If you seen him you  
13        would understood.

14          Q    Well, what year do you think this was?

15          A    I couldn't tell you. Maybe one or two years, if  
16        that, after he moved in there.

17          Q    Okay. During this past summer, that's 2012, did  
18        you suggest to Vance Brinkerhoff that since he had a problem  
19        with back rent you'd try to help him by going out and seeing  
20        if they'd talk to you?

21          A    I don't remember how it came about but, yeah, I  
22        said something to him because you had said they hadn't been  
23        paying rent and they turned off their -- he couldn't get on  
24        with the phone or anything and I said I would go over  
25        because, you know, I'm not him and once I go over and knock



James Kennedy

9

1 on the door... (Witness shrugs shoulders)... maybe I could  
2 get them to talk.

3 Q And what happened when you did that?

4 A Well, I went up to the big house first and I  
5 knocked on the door and to the left I seen a lady kind of  
6 step out of the window because right to the left of the big  
7 door there's a really large window right there --

8 THE WITNESS: There's (Indicating), I see  
9 something on the screen right there. I seen a lighting  
10 bolt on the screen right where his --

11 THE COURT REPORTER: Yeah. It's okay.

12 THE WITNESS: Oh, okay.

13 A (CONTINUED) Anyway, you know, I said it out loud  
14 to the lady, I said, Look, we know you're there but Vance  
15 needs to get the rent, they're going, you know, kick you  
16 guys out of here. And she still wouldn't answer the door  
17 so, you know, I kind of tried to do the intimidation thing  
18 and I picked up my cell phone and I said it real loud. I  
19 was, like, Well, Vance, I don't think they're going to give  
20 you anything; if you're not, you know, you probably ought to  
21 call the police and getting everything going, you know,  
22 hoping that that might want them to give him his money.

23 BY MR. SZOLOS:

24 Q That was a pretend phone call? You weren't really  
25 calling the police?

James Kennedy

10

1           A   Yeah. I wasn't even on the phone with him. She  
2           didn't know that though.

3           Q   Yeah. And let's put the time on this. Would this  
4           have been in the relatively recent past: Six to eight weeks  
5           ago?

6           A   Let me see... no, that one, that wasn't. That's  
7           been a little bit longer than, I think, but I can't say for  
8           sure. It's... you'd have to ask Vance that because like I  
9           said, my memory on a lot of stuff, it just drops off because  
10          of my medication and my seizures.

11          Q   Okay. When you went out there you only saw a  
12          woman?

13          A   Yeah. I could tell --

14          Q   Did you recognize this woman?

15          A   I could tell it was a lady because she had -- her  
16          hair was long. It was, like, down here to her shoulders  
17          (Indicating) and she stepped away from the window. I  
18          remember that, seeing it with my eyes.

19          Q   Do you know Alison Antekeier or not?

20          A   No.

21          Q   All right. Would it have been earlier than July?

22          A   I can't tell you for sure. I don't want to say  
23          that because I don't remember exactly the date. It was...  
24          if you ask Vance, it was one of the times that they hadn't  
25          paid and I went over and said that but it wasn't this time,

James Kennedy

11

1 it was before that. There's been --

2 Q You said "this time," what do you mean?

3 A The time when I called you guys and told everybody  
4 about what was going on.

5 Q Okay. Well, you didn't call me. Who did you  
6 call?

7 A Let's see, what happened was, first, they weren't  
8 paying for anything and Vance said they'd been out of there  
9 for a long time and we needed to look the house over to see  
10 what needed to be cleaned up, fix things to that effect.

11 When I was over there one of the things I saw was  
12 a book called Ship Of Gold and it said Tommy Thompson on  
13 that and we looked it up on the Internet. And when I looked  
14 up that --

15 Q Just let me interrupt. We're going to go back to  
16 what you saw but we need to place it in a time period, if we  
17 can. When you were talking about going out to look at this  
18 house now --

19 A Yeah.

20 Q -- can you place it at all in terms of what month  
21 you would have been out there?

22 A It was this month, the very --

23 Q October?

24 A Yes. It was within the last month. That wasn't  
25 when I seen her though.

James Kennedy

12

1 Q Yes. Okay.

2 A When I seen her was longer back.

3 Q All right. So when you went in October you  
4 actually went through to examine the house for damage?

5 A Yeah. It's destroyed. They, they -- it looks  
6 like -- if you ever watch that show on television, Hoarders,  
7 the whole house is just destroyed and so is the cabana. The  
8 cabinets are falling off the walls, it's full of rats now.  
9 And when I say "full of rats," I opened up one cabinet door  
10 that was still hanging in the kitchen and there was a stack  
11 of paper plates there and there were three rats on top of  
12 that. The kitchen is --

13 Q Live rats?

14 A Sir?

15 Q Are they alive, the rats?

16 A Yeah, they were alive. They were all sitting -- I  
17 can't see you now. The screen is still. Okay. There it  
18 goes. They were sitting on... three of them were sitting on  
19 paper plates. And when I opened up that, that was the only  
20 cabinet that's still hanging. All the other cabinets have  
21 rotted away and fallen down from the wall and there's  
22 plastic over it with blue tape covering it up.

23 Q All right. When you went out there in October,  
24 this month of 2012, were the Marshal Service already there?

25 A Oh, I talked to -- What happened was this: When

**James Kennedy**

13

1 we looked online about the book and about the whole story  
2 about everything, there were also a lot of other things, it  
3 says, Where Is Tommy Thompson. And there's a thing that  
4 said that there was a warrant for him. And the moment I  
5 seen that there's a U.S., you know, a Marshal warrant, if I  
6 know anything about it I'm calling them and telling them and  
7 that was it.

8 So I called the U.S. Marshal after about 20 times  
9 of getting the right phone number -- half their phone  
10 numbers are disconnected, the ones on the Internet anyway --  
11 I talked to a man in Fort Pierce and him and three other  
12 fellows came up and they went through the house, looked at  
13 everything.

14 And I asked him, I said, So, you know, now they're  
15 going to send detectives over, right. And he said, Nope,  
16 we're just here for the body. And that interested me  
17 because laying all over the house, all these papers because  
18 I went through all the rooms looked at everything. I mean,  
19 it stinks in there right now so bad. There was stuff  
20 growing out of the sink. And, you know, there's paperwork  
21 laying all over the place. And if you look at them, a lot  
22 of them are court papers.

23 There's a freezer that was frozen shut, a deep  
24 freezer in the house, and it's leaking out all over the  
25 floor. So I got it opened and inside of it is a... I think

**James Kennedy**

14

1       it's Federal Express -- or, no, it was a blue and white  
2       envelope with an eagle on it and it had a plastic binder but  
3       it was, like, the quarter of the way burnt, like, somebody  
4       had set it on fire but then they put it in the freezer. And  
5       I opened that up and looked at it and it said something  
6       about Odyssey--something.

7               And after going through all that and then looking  
8       at the place -- we've been back there five or six times  
9       looking at the underside of the house, the roof, the  
10      windows, everything is falling apart, the plumbing,  
11      everything is destroyed. The sink is falling away from the  
12      wall. And seeing that on there, well, I called the Marshal  
13      and told them about it.

14             Well, there's a tape record there and I picked it  
15      up and hit play and I could hear this man, he sound -- he  
16      literally sounds like he was about to cry. He even mentions  
17      something about he's about to lose his marriage over this  
18      and everything else and I kind of put two and two together.

19             You know, the Marshal walked in, they couldn't  
20      find anybody. But then I asked them and they said, Well,  
21      the people up north would probably want to know. And on  
22      that tape recorder there was a phone number so I called it  
23      and asked the man, I said, Do you want to know about Tommy  
24      Thompson. And after talking to him for a little bit, he's a  
25      really nice man, his name was Gill, I think he said, and he

**James Kennedy**

15

1 said that he was the main contributor or something to what  
2 the guy was doing and he lost all this money and he was his  
3 best friend also and I told him.

4 He said something about him being out to sea. And  
5 I said, Well, I know he's been living here for, you know,  
6 five or six years, six years at least, and, you know, all  
7 this stuff is laying all over the place and here all these  
8 court papers and all this other junk and it looks like the  
9 guy just packed up and hauled butt.

10 There's also in the master bedroom upstairs, we  
11 got the doors open -- he padlocked -- he put -- well, not  
12 padlock but put deadbolts on every door in the house, every  
13 door. And after we got the bedroom open on the floor were  
14 these big, blue boxes that say, Professional Coin Grading  
15 Service. They are about this long, about that tall  
16 (Indicating). That was in there. There's different bank  
17 books laying everywhere. It looks, like, it almost looks  
18 like a tornado went through the house.

19 I took pictures of it and gave it to Vance. You  
20 could probably get those from him because we took pictures  
21 of all the, all the -- where the water damage is around the  
22 windows, the floors are messed up, everything is messed up.  
23 The guy destroyed one of the most beautiful houses there is.

24 Q Okay. Can I slow you down for a second and kind  
25 of go back over some things.

James Kennedy

16

1 A Yeah. Yes.

2 Q Okay. When you, when you've gone through in  
3 October in these five or six visits and you saw different  
4 things that you described, did you see a book --

5 A Yes.

6 Q -- at any point?

7 A Yeah.

8 Q What kind of book did you see?

9 A How To Live In -- or it's over there now because  
10 the U.S. Marshal guys, they took some of the stuff at first  
11 and then they brought it back, I think. I can't remember  
12 for sure so don't quote me on that. But there's a book that  
13 says, How To Live Invisible. And there was a page marked on  
14 it with a throwaway phone card and the thing that says on  
15 that page is: Live Your Life On A Cash Basis Only.

16 And then the house, if you look around in all the  
17 garbage and all the bags and everything that are laying  
18 around, there are literally hundreds of batteries from the  
19 throwaway phones and the throwaway phones are all over the  
20 place too.

21 Q Hundreds of those?

22 A Well, the batteries, yes. You couldn't --  
23 literally, there's, I would say there's 25 or 30 of the  
24 phones themselves but the batteries for those little  
25 telephones, there were Ziploc bags full of them around in



James Kennedy

17

1       there.

2           Q   And there were phone cards?

3           A   Everywhere. Once we got a lot of the doors opened  
4       to make sure there wasn't any dead people in there, there's  
5       a lot of them and a lot of spent gift cards.

6           Q   Okay. Did you see cassette tapes or microcassette  
7       tapes?

8           A   Yes, the little microcassettes tapes. With no  
9       exaggeration, at least 250 of them in different spots in big  
10      bags, big, Ziploc bags.

11          Q   Okay. When you heard this tape that you decided  
12      to play, what was it that the person was saying to --

13          A   Well, he was saying, Alison, you know, something  
14      about getting ahold of Tommy, that these people are getting  
15      really frustrated, that he's going to lose his marriage over  
16      this.

17               And the man sound, it sounded so, it sounded so --  
18      if you heard it, the poor man sounded terrible, then, plus  
19      what I read on the Internet about this guy doing this and,  
20      you know, I'm thinking in my mind, Here's a person that's  
21      trying to help him and he's just duping him and running  
22      away.

23               And after I said to the Marshals, I asked them if  
24      they were going to send detectives and they said, No, but  
25      the people up north might be interested. If it was my money

James Kennedy

18

1 that was gone I would hope that somebody would try to help  
2 me so I called the man on there and I told him about it and  
3 I even talked to him about -- I found a mammoth bone awhile  
4 back that's a very big deal and I talked to him about that  
5 too and --

6 Q Well, the man that you talked to, is this Gil --

7 A Yes.

8 Q -- that's the person --

9 A Yes. He said, he said he was also Tommy's best  
10 friend.

11 Q Is it Gil Kirk?

12 A I'm almost positive, yes.

13 Q And did you -- after you talked to Mr. Kirk, did  
14 you talk to anyone else?

15 A Other than the Marshals, I don't think so. I  
16 tried to call Mr. Kirk back the next day too and he didn't  
17 answer my phone call so... and right after that the Marshal  
18 from Ohio called me and said that there would be people down  
19 to go through everything and to watch it and make sure that  
20 nobody messed with it. And then, now, I think it was  
21 yesterday or the day before, I find out they told me that  
22 the Judge didn't say they could and they can't and that we  
23 would be talking to you guys.

24 Q Okay. Did you see -- When you went through the  
25 house the first or any of these other times, did you see

James Kennedy

19

1 credit blanks or bank wraps for bills?

2 A Yes. They're little bank wraps that say 10,000 on  
3 them and I remember it too. I remember that perfectly  
4 because it said March '08 and it was out of Miami. I also  
5 found --

6 Q You remember --

7 A Sir?

8 Q What bank?

9 A Wachovia, I believe.

10 Q And did you see any cash?

11 A No -- well, change, like, little bags of pennies  
12 and nickels and dimes, stuff like that, just strown  
13 everywhere.

14 Q Yeah. I'm talking about bills or large amounts of  
15 cash.

16 A No. Uh-uh.

17 Q Okay. Did you see any gold?

18 A No.

19 Q Okay. Did you see bank papers? You mentioned  
20 bank books --

21 A Yeah. There's checkbooks, there were -- in the  
22 cabana, I believe it was. Like I said, it looks, like, a  
23 tornado went through it. I picked up and looked through  
24 a -- I looked at everything that I could see in there and  
25 there were, like, two or three different bank accounts,

James Kennedy

20

1 Wachovia and two or three more, and there were papers there.  
2 On his bed in the cabana there's a big box of (Indicating)  
3 court papers and the one laying on the top that just says,  
4 Papers... or something sealed by the court.

5 Q Okay. Did you see any pill bottles or vitamin  
6 bottles?

7 A Yeah. In the kitchen in the big house -- not the  
8 kitchen, but the dining room of the big house there's large,  
9 plastic tubs of every kind of vitamin, everything you  
10 could -- It smells like a pharmacy if you go in there. And  
11 then after we got the bedroom door open upstairs there were  
12 little pill cutters and pills right beside the bed, little  
13 blue ones. And in the cabana there's needles with  
14 testosterone, is what it said on it.

15 Oh, one other thing, on the bank account stuff  
16 that you seen, some of them, there was another name -- I  
17 forget what the name was. I want to say Wallet -- no.  
18 There's another name that was on there but it was last name  
19 Thompson. I'm thinking it was... I'm thinking it was Wally  
20 or Wallace or something like that.

21 Q Okay.

22 A One of the bank statements or things in there was,  
23 like, over, I think, a million dollars too.

24 Q Okay. What about the garage, did you look there?

25 A Yeah.

James Kennedy

21

1 Q What did you find there?

2 A Well, over to the left... if you walk in the  
3 garage from the house, it's a two-bay garage, to the left he  
4 has put a whole bunch of Mr. Fairweather's stuff, his rugs  
5 and things like that, small furniture, stuff to that effect,  
6 and then in the main bay it was just these huge, black  
7 garbage bags. We cut a couple of the garbage bags open.  
8 It's all garbage in them.

9 And then, out on the property near the barns you  
10 can see where they've been throwing -- it's, like, he threw  
11 all his garbage in the garage but everything that had food  
12 in it got thrown out, out near the barns.

13 Q On the ground?

14 A Yeah.

15 Q Outside of the barn?

16 A Yeah. It's right next to where it is. If you  
17 look at the property like it was a long time ago, there were  
18 little gardens and sitting areas and things like that and  
19 you can see there's, like, tuna fish cans and stuff like  
20 that. And then, there's a small room off of the cabana  
21 where the pool is, it's just a shed, and it had two very  
22 large garbage bags and nothing but food stuff, you know,  
23 rotten stuff like that in it.

24 Q Did you see any clothing out on a clothesline?

25 A Yeah. There's T-shirts and underwear. And then

**James Kennedy**

22

1       there's a lot of also clothing inside the house and inside  
2       the cabana and then there's Ziploc bags full of clothing  
3       too.

4           Q   And what about food?

5           A   Yeah, but it's all rotten. The stuff in the  
6       refrigerator -- like, a good example, there's a package in  
7       the cabana in the refrigerator there's a pack of asparagus,  
8       it was still wrapped, it's literally the diameter of a  
9       toothpick now, each one of them. It looks, like, toothpicks  
10      in it.

11           MR. SZOLOS: Okay. Mr. Kennedy, I believe that's  
12      all the questions I have for you now but the other  
13      lawyers may have some.

14           THE WITNESS: Yes, sir.

15                   CROSS-EXAMINATION

16      BY MR. ORGAN:

17           Q   Mr. Kennedy, my name is Shawn Organ. We've never  
18      spoke before, have we?

19           A   No, not that I know of.

20           Q   Okay. Now, as I understand from your testimony,  
21      your job was to go over and evaluate the condition of the  
22      home and what repairs may be needed?

23           A   Yeah. But that's... Vance has been a friend to  
24      me. He's helped me. See, I've got epilepsy and there's not  
25      many people that will let me do any kind of work and Vance,

James Kennedy

23

1       you know, I know him and he helps me out and I go out of my  
2       way for him.

3           Q    Okay. And he asked you to go over and evaluate --

4           A    Yeah, look it over.

5           Q    -- what work needed to be done?

6           A    Yeah.

7           Q    Okay. And you went over to the house. How many  
8       times did you go to the house?

9           A    Five or six times. I took another guy over, it's  
10       a contractor guy that has the big licenses and all the tools  
11       and stuff, a friend of mine named Kevin. I took him over to  
12       look at it. We took more pictures for Vance.

13          Q    Did Vance ask you to take pictures?

14          A    Yeah.

15          Q    All right. Now, with regard to evaluating the  
16       house, you walked around the outside of the home?

17          A    Yeah.

18          Q    You walked around the inside of each of the  
19       buildings?

20          A    Yep. Yes, sir. Sorry.

21          Q    What part of evaluating the condition of a home  
22       requires you to go through a bank book?

23          A    It was laying out on the floor. There's papers  
24       strown everywhere. If you pick up the paper you can see  
25       it's laying there.

James Kennedy

24

1 Q What part of evaluating the condition of a home  
2 requires you to pick up a paper and evaluate it?

3 A Nothing. But --

4 Q But that's what you did?

5 A Yeah. It's all over the floor.

6 Q What part of evaluating the condition of a home  
7 and putting together an estimate requires that you go  
8 through their medicine cabinet?

9 A I didn't go through the medicine cabinet. It's  
10 laying out in a box in the middle of the room.

11 Q And inside of the box, you looked inside there?

12 A I didn't have to. Imagine a plastic tub this big  
13 with a hundred medicine bottles in and vitamins and pills  
14 (Indicating). If I had it sitting here on the table you can  
15 see what it is and it smells like a pharmacy in there.

16 Q Well, what part of evaluating the condition of a  
17 home and putting together an estimate for repair work  
18 requires that you pick up needles and evaluate what's in the  
19 needle?

20 A Didn't have to. It's sitting right out on the  
21 table. You can look at it and read it just like I can take  
22 this business card (Indicating) and lay it right there, look  
23 at it and read it. And it wasn't the needle, it was the  
24 needles are laying all over the place and the box that's  
25 sitting there says testosterone on it.



James Kennedy

25

1 Q No, I understand the situation. My question  
2 though is: In evaluating the condition of a home and  
3 putting together an estimate, why would you need to pick it  
4 up, lay it out, and read it or even read it at all?

5 A Well, it's all over the floor. When I'm looking  
6 at it, I picked it up and read it. I apologize but, you  
7 know, I'm supposed to be cleaning the house up.

8 Q You felt it was your right to do that? You felt  
9 that was your right to do that?

10 A Well, they let me in the house. I'm going to be  
11 the one cleaning the mess out of it.

12 Q You didn't feel like it was an evasion of his  
13 privacy?

14 A Whose privacy?

15 Q Well, Mr. Thompson's for one.

16 A Well, Vance had told me that they were gone and  
17 they were gone. He wasn't able to get ahold of them for a  
18 long time, for months they hadn't paid the rent. How long  
19 you supposed to wait? Vance told me it was 15 days.

20 Q Who let you in the house?

21 A Me and Vance went over there the first time. The  
22 back door is broken open.

23 Q Who let you in the second time?

24 A Me. Because I left the door open the first time  
25 because it was dark the night we were there and I came back

James Kennedy

26

1 to take pictures.

2 Q So you let yourself in the second time?

3 A Yes. But I asked -- Vance knew about it.

4 Q Who let you in the third time?

5 A Me.

6 Q Okay. Who let you in the fourth time?

7 A Myself.

8 Q Okay. Who let you in the fifth time?

9 A Myself.

10 Q And who let you in the sixth time?

11 A Myself.

12 Q How many of those times were you accompanied by  
13 someone else?

14 A Twice, I think.

15 Q The first time. Which other time?

16 A Well, the first time it was me and Vance and the  
17 lady that works for him; the second time it was my friend  
18 Pete; the third time -- yeah, there was three times. Pete  
19 was there and my girlfriend was there because --

20 Q What's Pete's last name?

21 A I couldn't tell you. I have to ask him. He lives  
22 down the road from me. See, I don't drive. I have  
23 epilepsy. He's a neighbor of mine. I've known him as Pete  
24 and I asked him for a ride there. I told him he could help  
25 me clean up the place.

James Kennedy

27

1 Q So you also cleaned the place up?

2 A Not yet.

3 Q Well, what was Pete doing there cleaning the place  
4 up if --

5 A I said, I told him he could help me clean up the  
6 place. If I got to do everything after Vance was done, I  
7 told him I could clean up the place and I said he could help  
8 me also because he has a driver's license so he could take  
9 all the garbage to the dump. The place is this deep in it  
10 (Indicating).

11 Q So what was the purpose of Pete going inside the  
12 home?

13 A Nothing. I showed it to him. I love that old  
14 house. I've been there. I've known it and I let him look  
15 at it.

16 Q So you just invited him in and had him take a look  
17 around?

18 A I said, Yeah, told him this where we used to hang  
19 out and showed him the cabana and the big swimming pool,  
20 everything.

21 Q You gave him a full tour?

22 A Yeah.

23 Q Okay. And did he also read the medicine bottles?

24 A No. He didn't care about stuff like that --

25 Q -- bank books?

**James Kennedy**

28

1           A    I didn't hear you.

2           Q    Did he read the bank books?

3           A    I still can't hear you.

4           Q    Did he read the bank books?

5           A    No, I don't think so.

6           Q    You said you've never met Alison?

7           A    I don't think so, no. If I had it would be years  
8 ago.

9           Q    Have you ever spoken with Alison?

10          A    Not that I know of, no.

11          Q    Do you have some knowledge as it relates to  
12 Alison's sex life?

13          A    Other than her sex toys laying on the floor in the  
14 place. I would take it that they were her's, unless,  
15 Mr. Thompson was a little bit more kinky.

16          Q    And you don't find that to be an invasion of their  
17 privacy either?

18          A    Well, if you walk into a house that you're looking  
19 at to clean up and there's a dildo on the floor, you're  
20 going to close your eyes or just step over it. I didn't  
21 touch it.

22          Q    So your job was -- has expanded from evaluating  
23 what work needs to be done to also including cleaning and  
24 then bringing your friend Pete in, we don't know his last  
25 name, and to evaluate all of that and it took you six trips?

James Kennedy

29

1           A    Yeah. I've been back and forth. The house is as  
2           big as five of these buildings. It's gigantic. The outside  
3           too where there was a terrace, after we went back the fourth  
4           or fifth time, is starting to break away from the house too.

5           Q    How long were you there the first trip?

6           A    I don't know. Couldn't tell you.

7           Q    More than an hour?

8           A    You could ask Vance. He would be able -- he's got  
9           a better memory on time and stuff than I do.

10          Q    You don't have any general recollection of whether  
11          you were there an hour or not?

12          A    No more than an hour, maybe 45 minutes, 30  
13          minutes, something like that.

14          Q    How long were you there the second trip?

15          A    I do not know and I don't know or remember how  
16          long. I didn't have a stopwatch going on the other stuff.  
17          What I was looking at was an abandoned house that my friend  
18          rented out to somebody and we were going to clean up the  
19          mess, that's it.

20          Q    Now, you said that you went on the Internet and  
21          did searches with regard to Tommy Thompson.

22          A    I said I did a search about the book because the  
23          front of the book, Ship Of Gold, said Tommy Thompson. I  
24          typed into the Internet about Ship Of Gold, Tommy Thompson,  
25          and then I seen all the things about him: Where is Tommy

**James Kennedy**

30

1 Thompson was one of them and then another one, Judge Issues  
2 A Warrant.

3 When I seen that there was a federal warrant for  
4 it and I knew it, it was my responsibility to say I know  
5 this about what's going on so I called the Marshal. The  
6 Marshal showed up. We went through everything. I showed  
7 him everything that I looked at that I seen. And at the end  
8 of that meeting I said to him, Now the detectives come,  
9 right. And he said, No, we are here for the body. But he  
10 also added that the people up north might really want to --  
11 would probably really want to know about it. That's why I  
12 got ahold of the people up north.

13 Q Now, your tour with the Marshals, is that a  
14 separate tour from the other six?

15 A No. I would say that was one them. And don't  
16 quote me on the six. I said it was five or six. I don't  
17 know or remember exactly. You don't have to be, you know,  
18 as far as deposing me, sir, you don't have to do it like  
19 that. You can ask me the questions. I'll give you an  
20 honest answer. I've got nothing to hide.

21 Q I'm looking for an honest answer, that's all we're  
22 asking you to give but I want clarity and I want to know  
23 second, two people, twice people were with you. You  
24 identified Vance and you identified Pete. Now you've  
25 identified a third time.

James Kennedy

31

1 A Okay. I forgot the Marshal. Sorry.

2 Q Okay. Now, with the Marshal, it was one of the  
3 last times you were there; is that correct?

4 A Yeah, one of them.

5 Q Was it the last time?

6 A No.

7 Q What did you point out to the Marshal?

8 A Every single thing that I seen that seemed out of  
9 order. Inside the cabana there were tubes this big  
10 (Indicating), this big around, galvanized pipes with caps,  
11 sealer, and all kinds of other things. While we were  
12 walking through he said to his other men that were there to  
13 be careful that the place is probably booby trapped because  
14 it looked like it was there for pipe bombs.

15 When I looked at it you can see because the box is  
16 open and laying on the floor and I can read and I have  
17 worked on pipes before, there's big steel caps, the steel  
18 pipes, sealer, and spray to seal them. The only thing you  
19 use pipes this long for with caps on the end is to put  
20 something in. So I had the idea because Vance told me  
21 before that the guy always gave him, like, smelly, old  
22 100-dollar bills and I said, Well, how much you want to bet  
23 he's sticking money in those and burying it out there or  
24 throwing it in the water, that was that. And I said that to  
25 the Marshal also.

James Kennedy

32

1 Q And that was all based on seeing a metal tube?

2 A No. That's based on seeing a box of them  
3 (Indicating) this tall, boxes, and others and other empty  
4 ones and then a plastic box with a bunch of caps and a bunch  
5 of other sealers and things in the box that is in plain view  
6 just like the Mountain Dew bottle on your table there.

7 Q But you didn't see any --

8 MR. FREVOLA: For purposes of clarity can he  
9 describe when he said, "this tall." I have no idea  
10 what the height of what he's talking about is.

11 THE WITNESS: Well, the boxes, each individual box  
12 has about six of the pipes in them (Indicating), okay,  
13 and then there's probably five boxes of them tall and  
14 then two or three that are opened.

15 BY MR. ORGAN:

16 Q So you're working theories were that either he was  
17 stashing cash in them and burying it out at sea --

18 A I didn't say anything about burying it out at sea.  
19 Do not put words in my mouth, attorney. I said that I  
20 thought he would stick them in the water because the  
21 Gracewood mansion, around it there's a lot of water out  
22 there: There's old retention ponds; there's flow well ponds  
23 from when there used to be groves there, they're big  
24 concrete, like, a small well. And my imagination, I thought  
25 about it, if I was somebody that was hiding money or doing



James Kennedy

33

1 what the Internet is saying: Throw it in the water. That's  
2 where my idea came from.

3 Q And beyond your search on the Internet, you really  
4 know nothing else about this case?

5 A No, sir.

6 Q Okay. And now, you didn't see any cash, correct?

7 A No. But I saw the wrappers. There's  
8 10,000-dollar wrappers all over the place.

9 Q Yeah, that wasn't my question. My question is:  
10 You didn't see any cash, did you?

11 A No.

12 Q You didn't see explosives, correct?

13 A No. No.

14 Q But the two working theories were that these pipes  
15 were used to either stash cash or create explosives?

16 A That's what I thought and that's also what the  
17 U.S. Marshal thought so...

18 Q When was the last time you saw Tommy Thompson?

19 A It's been a long time. I can't tell you for sure,  
20 but it's been a long time, years, that I've actually seen  
21 his body, yes.

22 Q And you don't know who Alison Antekeier is?

23 A I do not know her personally, no.

24 Q So the last time you had any contact with either  
25 of them: One, never, but the other is years?

James Kennedy

34

1           A   Yes. At least. I may have bumped into them and  
2           not remembered them in, you know, in public or something  
3           like that but that's it.

4           Q   You said you're taking two medicines for your  
5           severe epilepsy. Can you identify those again.

6           A   Tegretol and carbamazepine -- or carbamazepine is  
7           the Tegretol and Dilantin.

8           Q   Have you taken those today?

9           A   Yeah.

10          Q   Do you take those every day?

11          A   Have to. Yes, sir.

12          Q   And do those have any impact on your ability to  
13          comprehend a question and respond?

14          A   I don't know about -- it's, it's, it affects your  
15          memory, your short-term memory and things like that really  
16          bad. I have a lot of times -- I have people --

17          Q   Affects your long-term memory?

18          A   Some, yes. Because I have people that come up and  
19          talk to me, Hey, how have you been and everything. I can  
20          remember their face kind of but until they talk to me a  
21          little bit, sometimes... I'm completely in my mind, I'm  
22          going, Okay, who is this, who is this. And then, they say  
23          something and it (Noise) clicks and I can remember who they  
24          are.

25          Q   Are there events that you don't recall that others

James Kennedy

35

1 have to remind you of?

2 A Yes. A lot.

3 Q It happens frequently?

4 A Yes.

5 Q Now, we talked about items that you looked at that  
6 were out in plain view. How do you explain picking up a  
7 tape recorder and pressing play?

8 A Well, I'll show you (Indicating). This is a tape  
9 recorder, push play (Indicating).

10 Q I understand how it's done. My question is: Why  
11 would it be done if you're in a house to evaluate the damage  
12 done to the house and give an estimate as to work that needs  
13 to be done?

14 A Why? Because it was laying there and I wanted to  
15 just because it was laying there and I did. This house  
16 from -- Let me finish too, please. Here's an abandon house,  
17 let's imagine this. You own the house. You say to me,  
18 James, we're going to clean it up so I, you know, get the  
19 mess out of it; as I'm looking around and assessing the  
20 damage and all the garbage that is literally in, like, in  
21 the kitchen piled up halfway to the ceiling (Indicating),  
22 there's a tape recorder on the floor, I pick it up and hit  
23 play. That's what I did. That's how I explain it. The  
24 house was abandoned. That's what I was told. That's what I  
25 was under the assumption and that's why.

**James Kennedy**

36

1           When I called the U.S. Marshal back this morning  
2           and told him that I was here, he explained to me that what  
3           these people have done was paid the rent to put a stop to  
4           what was going on so people couldn't go in there and look at  
5           it.

6           Q    So you said that you picked up the tape recorder  
7           and listened to it.

8           A    Yep.

9           Q    But you could have cleaned the house by just  
10          throwing the tape recorder out. You didn't have to listen  
11          to it, is that true?

12          A    Nope, you're right, I could have just thrown it  
13          away. But you know what? If Vance tells me to finish doing  
14          the job, I'll throw the tape away and I'll keep the tape  
15          recorder and sell it at the flea market rather than throw it  
16          in the garbage.

17                I'll take the silverware and the junk that's  
18          laying around in there that doesn't belong to  
19          Mr. Fairweather and give it to some of the other old folks  
20          that live down there that don't have much and things to  
21          that.

22                The clothes that are laying around will go down to  
23          the thrift shop for the church down the street. Anything  
24          that doesn't belong to Mr. Fairweather that he doesn't want  
25          will go in the garbage. That's the way we do it. We clean

**James Kennedy**

37

1 up the place after the people are gone.

2 Q Did you recently tell a U.S. Marshal that Tommy  
3 Thompson and Alison Antekeier have been at the residence  
4 within the last few days?

5 A I thought so, yes. Because one of the times I  
6 went in there, there was a coffee cup there that wasn't  
7 there before. When we were in the house with the Marshal,  
8 which was the following day after I went in there the first  
9 time with Vance, I remember that, I told him that coffee cup  
10 that's over there wasn't there before.

11 Q So your conclusion was either Tommy Thompson or  
12 Alison Antekeier had been at the home?

13 A That's what I guess but I can't say that for sure  
14 because the back window on the back porch the -- there's a  
15 large back porch and the bottom glass out of the window is  
16 gone and there are a lot of kids.

17 And as a matter of fact, the one night we went out  
18 there with Vance when I walked around the back of the house  
19 while he was looking at everything, four or five carloads of  
20 kids that hang out on the back of the property were taking  
21 off out of the back back there because there's a huge piece  
22 of property that's connected to it and the kids go back  
23 there and hang out and anybody could go in that place.

24 Q So it's true that could have been anyone who left  
25 the coffee mug?

## James Kennedy

38

1           A    Yes, sir, it could be anybody. There's a problem  
2           here in Vero Beach, there's a lot of homeless people and  
3           when houses get empty and they have access, they go in.  
4           That's one of the reasons we check on them over and over  
5           again because you'll find they do awful things: They'll  
6           crap on the floor, they'll tear things up; they'll set fires  
7           in the middle of the houses to cook stuff. You got to keep  
8           up with it or it gets destroyed.

9           Q    The U.S. Marshal has represented that a caretaker,  
10          who we've since identified as you, told him that Tommy and  
11          Alison had recently been in the home. Is that what you  
12          recall telling the U.S. Marshal?

13          A    I told them because of what I seen right there  
14          (Indicating). Their last assumption by from what I remember  
15          because there was a... one of the marshals there was a  
16          colored man that looked at a lot of the paperwork and stuff,  
17          he picked up a newspaper that said, August, I think, I think  
18          it was August, and he said to the head officer that that was  
19          the most recent date of any paperwork that he could see and  
20          they assumed that it was in August.

21          Q    Okay. But you told him -- Have you since told  
22          them you're just guessing as to whether Alison or Tommy had  
23          been there? It was just based on a coffee mug?

24          A    Don't remember. I don't remember what my exact  
25          words were. I do remember saying to him that I don't

James Kennedy

39

1 remember seeing the coffee cup beside the bed there. It's  
2 from 7-Eleven, I think -- no. Cumberland Farms. It was  
3 either Cumberland Farms or 7-Eleven coffee cup.

4 Q Was anyone else there when you went through with  
5 the Marshals?

6 A I don't remember. I don't know. Maybe Pete drove  
7 me up. You can call the Marshal and ask him. I'm sure  
8 they'll tell you.

9 Q Do you know if Pete was interviewed by the  
10 marshals?

11 A When you say "interviewed," I don't know. I  
12 called them to my house.

13 Q Okay.

14 A Yeah, Pete was there because he rode over in one  
15 of the cars with them.

16 Q So you believe Pete was also interviewed by the  
17 marshals?

18 A There was no interview. When you say "interview,"  
19 all I did was call them up and say, Hey, I've got  
20 information that might lead to somebody you're looking for  
21 because of what I read.

22 Q Let me see if I can be clear. Generally speaking,  
23 when an officer asks questions and somebody responds, we  
24 refer as to interview a witness. Did that occur in your  
25 instance? Did they interview you?

James Kennedy

40

1 A Yeah, he talked to me.

2 Q Did he talk to Pete?

3 A I'm not sure. I don't know. I mean, I don't  
4 remember seeing them stand there talking back and forth to  
5 each other. Pete's, Pete's an older fellow, just kind of  
6 stands around.

7 Q And what's your girlfriend's name?

8 A Shelley.

9 Q What's Shelley's last name?

10 A Hallock.

11 Q How do you spell that?

12 A H-A-L-L-O-C-K.

13 Q Do you know if she was interviewed by the officer?

14 A No. She seen them because she lives at the house  
15 with me. When they showed up there, they showed up in three  
16 different vehicles.

17 Q So she did not speak with the deputies?

18 A No, I don't think so. No.

19 Q Did you go through the barn?

20 A The barn's empty.

21 Q There's nothing in the barn?

22 A Well, Mr. Fairweather's stuff. There's shutters  
23 for the house in there. And in one of the barns there's  
24 some -- it seemed out of place because the whole house is  
25 covered in bags and garbage and one barn there was a couple



**James Kennedy**

41

1 of Ziploc bags in there too.

2 Q And what were those?

3 A Nothing. Well, no, wait. There was a cigar butt  
4 and then there was a box of cigar-things inside of the barn  
5 on the floor.

6 Q How about in the garage of the house, the two-car  
7 garage, what were in those bags?

8 A Just garbage.

9 Q When you say "garbage," clothing or garbage as in  
10 household trash or --

11 A I opened up two of them to make sure there wasn't  
12 any rot in it and just household trash. But now in the  
13 kitchen right outside the garage door -- see, from the  
14 kitchen you can pass through the room and go into the  
15 garage, there's a pile (Indicating) literally that is this  
16 high of Duncan Donut boxes and wrappers and bags and garbage  
17 and trash, it's ridiculous, pizza boxes, soda bottles, the  
18 refrigerator is packed full of rotten food, the sink had  
19 moldy food on it.

20 MR. ORGAN: Hold on a second. Hold on a second.  
21 We've got to get Mr. Frevola back on the line.

22 THE WITNESS: Yes, sir. Is it okay if I go smoke  
23 a cigarette? Do I have enough time for that?

24 MR. ORGAN: I don't think so. We're almost  
25 finished.

James Kennedy

42

1 THE WITNESS: Okay.

2 (PHONE RINGING.)

3 MR. FREVOLA: Mike Frevola.

4 MR. ORGAN: Hey. We have you back on.

5 MR. FREVOLA: Sorry, guys.

6 MR. ORGAN: That's all right.

7 MR. FREVOLA: Okay.

8 THE WITNESS: Can I say something?

9 MR. ORGAN: Hold on a second.

10 BY MR. ORGAN:

11 Q Has anyone else to your knowledge told the U.S.  
12 Marshal Service that Tommy Thompson/Alison Antekeier have  
13 been at the residence within the last few days?

14 A I don't know. Vance may have talked to them and  
15 told them about -- because Vance told me this morning that  
16 someone dropped off money for the place so he might have  
17 talked to them but he didn't tell me --

18 Q You're just guessing, you don't know?

19 A No, I don't know. I did. When I was outside  
20 waiting on -- while Vance was in this room being deposed I  
21 called them and told them because Vance told me that they  
22 had dropped off money with him. So I called the Marshal up  
23 and said that because I told him that anything I heard about  
24 it I would call him and tell him and he said that he knew  
25 that.

**James Kennedy**

43

1 Q You called the Marshal -- I'm sorry.

2 A Sir?

3 Q You called the Marshal and told him what?

4 A That the money had been dropped off at Vance's  
5 place because Vance told me about that.

6 Q Okay. Did you tell him by whom?

7 A No, I don't think so. You can call him and ask  
8 him. It's the Marshal where you guys are up north.

9 Q No, I understand. I just want to be clear: You  
10 don't know who dropped the money off, do you?

11 A No. I have no idea. I don't think it was them  
12 anyway.

13 Q The only reason you have knowledge that money was  
14 dropped off is because Vance told you and you told the  
15 Marshal?

16 A Yep.

17 MR. ORGAN: That's all I have. Thank you.

18 THE WITNESS: Yes, sir. Can I say one other  
19 thing? I didn't mean to be, like, rude towards you or  
20 anything but I don't have anything to hide and I would  
21 tell you the truth about all of it. That's why I'm  
22 here today. I could have been, like, most people and  
23 kept my mouth shut. But from what I seen on the line  
24 and heard and everything, there were a lot of people  
25 that have money taken and got hurt. And if it was my

**James Kennedy**

44

1 money, I would want somebody else to tell them for me.

2 MR. SZOLOS: Okay. Do you have anything, Chris?

3 MR. TROLINGER: I have a couple of follow-up  
4 questions, Mr. Kennedy, if you don't mind.

5 THE WITNESS: Yes, sir.

6 CROSS-EXAMINATION

7 BY MR. TROLINGER:

8 Q You spoke about finding a mammoth bone. Can you  
9 discuss that a little bit.

10 A What relevance does that have with this?

11 Q You indicated that if someone had taken money from  
12 you or you got kind of screwed over that you would want  
13 somebody to look into that. Anything regarding that mammoth  
14 bone occur regarding that?

15 A Yeah. I've had, I've had just pretty much the  
16 same situation. I talked to that man on the phone, Gil,  
17 about that because, you know, him and I talked and he seemed  
18 very friendly and nice.

19 It seems, like, every single time anybody finds  
20 anything that's worth five cents, there's 500 worms that  
21 come out of the woodwork to steal it from you. And when I  
22 found the mammoth bone, there were people that tried  
23 everything they could to take it away from me.

24 Q And did that anger you?

25 A No. It kind of sickened me. It makes me want to

## James Kennedy

45

1 move up north further away from this place is what it makes  
2 me want to do. I feel bad for that. And, you know, I  
3 thought about this a lot. And one of the articles said that  
4 some people from the 1800s that were insurance companies  
5 when they came back from that boat trip and they'd found  
6 that thing, they were sitting there on the dock waiting for  
7 them to tell them, no, you can't have the money and it kind  
8 of in my mind I'm thinking to myself, you know, if you  
9 wanted it, why the hell didn't they go out there and find  
10 the ship and go down and find it. They wait for everybody  
11 else to it and then they come and steal it.

12 The same thing happens with the treasure boats  
13 here: These guys go out here, they pay thousands of dollars  
14 to rent an area over one of the boat spots, if they find  
15 anything the law says they got to give it to the state for a  
16 year and if the year -- if before the year is over the state  
17 says, Ah, we're keeping it, they keep it and if not, they  
18 get to get it back. The U.S. Government bends us over every  
19 spot that we can get and that's what happens.

20 And from what I'm looking in my mind, I thought  
21 two or three things because I've got a bit of an  
22 imagination, but you got a man that goes out and goes  
23 through all this because Gil had told me himself what a  
24 wonderful and intelligent human being Mr. Thompson was and  
25 in my mind there's one or two things: Either he totally

## James Kennedy

46

1 screwed everybody over, which is one and what everybody  
2 says, or No. 2, he went out and busted his ass, found  
3 something like he was supposed to, did his job, and then  
4 before he had a chance to do anything had 100 nut lawyers  
5 knocking on his door saying we're taking it away from you  
6 and then he's stuck with not enough money to pay for  
7 everybody else that he had work for him. What is he  
8 supposed to do? I would disappear if I could too.

9 Q All right. Thank you very much. I'm going to  
10 move on to just another couple of questions, hopefully, to  
11 get you out in time to get something to eat.

12 A Thank you.

13 Q You mentioned a computer that you researched the  
14 Ship Of Gold book.

15 A Yes, sir.

16 Q What computer are you referencing?

17 A My laptop at home and Pete's computer too.

18 Q Okay. And were there any computers at the  
19 residence when you went into Mr. Thompson's residence?

20 A No. They're all, they're all gone. Now, before  
21 when we went there, the time that I explained when he came  
22 outside with the, you know, the stains on his underwear,  
23 there were two wires and the wires are still there, there's  
24 two wires that are ran from the main house over to the  
25 cabana and there were tables, you know, fold-out plastic

**James Kennedy**

47

1 tables like you buy at the store and they had laptops and  
2 computers all over them from what you could see through the  
3 sliding glass doors standing on the floor outside the cabana  
4 because the whole front of it, it's probably 40 feet or  
5 20 feet wide of sliding glass doors. You can see all these  
6 little laptops opened and hooked up and papers everywhere.  
7 It's just always a mess.

8 But there were a lot of computers there but there  
9 was not none there now. There's a lot of discs laying  
10 around but they're in little packages and they're brand new.  
11 It looks like a tornado went through the house.

12 Q When you saw the vitamins, were they holistic  
13 vitamins? How would you describe those?

14 A I don't know. I didn't pick the bottles up but  
15 you could see it and you know what vitamins smell like. If  
16 you walked down the vitamin aisle in a pharmacy that, oh,  
17 what I put it -- that earthy smell, that's what it's like.  
18 And there's a plastic bin full of them. There's a bunch of  
19 them laying around everywhere.

20 Q Did you see any vehicles while you were at the  
21 residence?

22 A Yes, sir. There's two Chevy vans; there is a  
23 large box truck that says Budget on one of -- on the flap on  
24 the back, I remember that; there is a, excuse me, there is a  
25 large camper called a Boogie Box and there's two little pull

James Kennedy

48

1 behind trailers, like, lawn servicemen use.

2 Q Okay. Regarding the vans, how would you describe  
3 the vans?

4 A Well, they were very nice but he drove them there  
5 and parked them and they never moved. They are sitting on  
6 flat tires.

7 Q Would you describe them as junk?

8 A Now, yeah. But one of the things that we did do,  
9 we ran the serial numbers through, you can see it through  
10 the window, the VIN number, to find out if they were stolen  
11 or whose they were. And they said that they were registered  
12 to him. And a friend of mine looked it up and said they  
13 paid, like, \$10,000 a piece for the vans.

14 On the Boggie Box there's a 1-800 number from the  
15 place it was bought from and I called that place, gave them  
16 the serial number, and they said they paid, like, \$20,000  
17 for it and that it had never been registered. The box truck  
18 is locked up, you can't see anything.

19 So pretty much what had happened, it seemed to me,  
20 is that they loaded up a bunch of vans and trucks and  
21 trailers and drove down here and parked them on the driveway  
22 and that's where they've been, but I can't say that because  
23 I don't know for sure.

24 Q And then the two pull-behinds, did you do any  
25 research regarding those?



**James Kennedy**

49

1           A   No. You can't see a serial number on those  
2 things. I mean, they're literally -- the tongue of one of  
3 them is kind of sunken into the ground even.

4           Q   Did Shelley Hallock ever go to the property?

5           A   Yeah. But she doesn't -- Shelley, she's a germ  
6 freak. When she smelled the inside of the place she don't  
7 want to do nothing to it.

8           Q   How many times did she go?

9           A   Once. I showed it to her because I have a lot of  
10 history with that house. I've told her about it before.

11          Q   And when did you take her?

12          A   I don't remember which time it was or the date.

13          Q   This year?

14          A   Yes.

15          Q   You believe it to be since August?

16          A   Yeah. It was one of the few times that I've been  
17 there. I took her over and let her see it too. It's a  
18 beautiful, beautiful house. It's just in shambles now.  
19 There's a huge -- in the bedroom upstairs there's a giant  
20 hole in the roof where they -- all the tiles had fallen down  
21 and the same type of blue tape and plastic that's covering  
22 up the cabinets that have fallen off the walls in the cabana  
23 are over it too.

24          Q   And have you seen Mr. Thompson's personal vehicle?

25          A   It was a Lincoln, I remember that. And then

## James Kennedy

50

1 yesterday or the day before yesterday, I had an idea in my  
2 mind because the Google people that drive through and take  
3 the pictures with the camera on top of the car when they're  
4 doing the road maps and all that, they were here recently  
5 within the last year, I remembered that part.

6 So I went on the Google map thing, Google Earth,  
7 and when I put the address in there you can see the box  
8 truck, both the vans, the two little ones, the two little  
9 trailers, the big camper, but then there are -- were two  
10 white cars on there too it looked like.

11 So I think that time, I think, I called the  
12 Marshal and said, Hey, if you want to identify the cars  
13 probably, you know, because I imagine the government's got a  
14 better satellite picture than we've got on Google, there's  
15 two cars sitting on the driveway in that picture so if  
16 you -- I mean, you guys are attorneys. Subpoena Google and  
17 find out when the picture was taken and you will know for  
18 sure that they were there then.

19 Q Did you see Mr. Thompson driving that Lincoln?

20 A I don't remember seeing him driving it, no, sir.  
21 But I know it was his because Vance told me one of the times  
22 went over way back when I told you me and Big John went  
23 there, he said, If there's a Lincoln Town Car there that  
24 means they're home.

25 Q Have you seen that Lincoln Town Car?

James Kennedy

51

1           A   That time. Not recently though, no, except for in  
2           the picture on the Google map.

3           Q   Have you ever seen that Lincoln Town Car other  
4           than on Google map?

5           A   Yes.

6           Q   When was the last time you saw the car?

7           A   When I went up there to the door and knocked on  
8           the door and the lady stepped away from the window the car  
9           was there. That's why I went ahead and knocked on the door.

10          Q   Was that the Lincoln or a Grand Marquis?

11          A   Pretty positive it was the Lincoln but, you know,  
12          something? I can't say that for sure.

13          Q   So you don't know if it was the Lincoln for sure?

14          A   I don't know, no, sir.

15          Q   Okay. Do you have any plans to go back to that  
16          house?

17          A   No. I put the -- the U.S. Marshal guy asked me to  
18          put a chain around the front of it for the purposes of what  
19          you guys are doing and I put a chain on it. I'm not going  
20          near it because right now the way it stands, I don't want to  
21          be in the way of anybody's stuff or evidence or anything.

22          Q   Well, did you take anything from the house?

23          A   No.

24          Q   Did you take pictures?

25          A   Yes. Yes. I'm sorry, I lied there. I did take a

James Kennedy

52

1 lot of pictures of it so I did take something from the  
2 house.

3 Q And where are the pictures now?

4 A I gave the chip to Vance because he was going to  
5 send it to Mr. Fairweather to let Mr. Fairweather know  
6 what's wrong, what's wrong with the house. It's a digital  
7 camera that I have that takes these little square, slide in  
8 things that they call it a chip.

9 Q While you were at the house did you see any  
10 documents that bore the name Columbus Exploration, L.L.C.?

11 A No. But I seeing something that said something  
12 about Odyssey. And I told that man Gil about that and he  
13 said it was something to do with something but I don't  
14 remember exactly what he said.

15 Q Did you see any documents or anything that bore  
16 the name Recovery Limited Partnership?

17 A I can't say for sure because there's thousands of  
18 things just laying all over the place. It's, like, imagine  
19 this, you see all the paperwork on the table you've got  
20 there? Imagine if you just strew it all over the place and  
21 walked in the room, that's how it is.

22 Q And do you recall seeing anything that bore the  
23 name Columbus America Discovery Group, Incorporated?

24 A No, sir, I don't remember. I do remember seeing  
25 something that said Nancy Spielberg.

James Kennedy

53

1 Q Do you know who that is?

2 A I relate it to Steven Spielberg and that's the  
3 only Spielberg I know of.

4 Q Fair enough. Earlier you mentioned a bank book or  
5 a bank account and you've referred it as having millions, do  
6 you recall that?

7 A There's a piece of paper laying in the cabana, if  
8 you walk into the cabana it was one of the ones on the  
9 floor. Now, the U.S. Marshal guys, that was the one thing  
10 they were interested in because he said if he could find  
11 anything about accounts he needed to take pictures of it so  
12 they could freeze the accounts. That's what the U.S.  
13 Marshal said. So they may have taken that or picked it up  
14 or done something, but there was one.

15 And I remember, I don't remember which bank it  
16 was, but it was over a million dollars in it because it said  
17 balance right on the bottom of it in plain view and it says  
18 over a million bucks. But I think that was... it wasn't  
19 the... don't think it said Tommy Thompson. I think the name  
20 was Wally. It was a different name. I can't remember what  
21 the other name was. When I talked to that man Gil, there  
22 was another name he referred to him as and he said, Yeah,  
23 that's, that's Tommy.

24 Q Do you recall whether or not you saw two bank  
25 books or how many bank books you saw?

## James Kennedy

54

1           A   There's more than two. And when I say "bank  
2   books," I'm just talking about checkbooks that are laying  
3   out.

4           Q   And as you walked through the house did it look  
5   like they had money?

6           A   Well, if you're paying \$3,000 a month, yeah,  
7   you've got money. And if you walk into the... where the  
8   dining room is, there's probably a thousand dollars worth of  
9   vitamins in there, if not more. The fact that he's got a  
10   25,000-dollar trailer that was bought brand new and drove  
11   down and never registered; the fact that the box truck is  
12   probably \$10,000; the fact that the van, I know for a fact  
13   one of them was \$10,000 was paid for it because that's --  
14   when we ran the numbers to see if they're stolen or not it  
15   came back as him and it comes back and shows you what was  
16   paid for it, the year, make, and model and everything.

17          Q   And how do you know it wasn't registered?

18          A   I said, the van, I didn't know about the van. But  
19   the Boogie Box didn't have -- there's no tag on it and it  
20   still has where the license plate goes it still has the sign  
21   of where they bought it.

22          Q   Why would you run the VIN numbers?

23          A   To tell Vance whether or not somebody put  
24   something stolen there. The VIN numbers are on the outside  
25   of it on the tongue of the trailer. That way if it's hot,

James Kennedy

55

1 they could come in there and have the police take that out  
2 too.

3 Q When you saw the lady in the window, was that  
4 about three years ago, would you say?

5 A Somewhere. I can't remember for sure, man, but it  
6 it's been a long time. I don't know.

7 Q Would that be about right?

8 A I do not know. I can't remember.

9 Q But it has been a long time?

10 A It's been a while, yeah.

11 MR. TROLINGER: Okay. I don't have any other  
12 questions.

13 MR. SZOLOS: I do.

14 MR. FREVOLA: Mike, Mike, Mike.

15 MR. SZOLOS: Yeah.

16 MR. FREVOLA: I want to take a couple moments to  
17 speak with you.

18 MR. SZOLOS: All right. Can we go off -- You  
19 want to take a break?

20 MR. ORGAN: Yeah. Why don't we hang up on this.  
21 Why don't you call him at this number and we'll call  
22 him back on --

23 MR. SZOLOS: Yeah. Very good.

24 UNIDENTIFIED SPEAKER: You can take that smoke  
25 now, Mr. Kennedy.

**James Kennedy**

56

1 THE WITNESS: Oh, thank you.

2 (Whereupon, a short recess was had.)

3 REDIRECT EXAMINATION

4 BY MR. SZOLOS:

5 Q Mr. Kennedy, during the time I questioned you and  
6 we were talking about you going to the big house, that is at  
7 this Gracewood mansion, and if you saw a lady in the window  
8 and you tried to speak to her, you weren't sure when that  
9 occurred, right?

10 A Not positive, no. I don't know the date, sir.

11 Q But you are sure you went in response to a request  
12 from Vance Brinkerhoff?

13 A Yeah. Yeah.

14 Q And that was because he hadn't collected enough  
15 rent that he wanted you to go out and collect it?

16 A Well, I don't think he really wanted me to go,  
17 like, take the money from them but to see if they were  
18 around because what it was, they weren't -- he didn't think  
19 they were answering the door for him or something.

20 Q Okay. And that is, whatever time period that is,  
21 it's when Vance Brinkerhoff decided to ask you for your  
22 assistance?

23 A Yes. But there's been more than, there's been  
24 more than one time that that has happened.

25 Q Okay. All right. And was this the most recent



James Kennedy

57

1 time or you don't know that either?

2 A No, that isn't the most recent time. That was the  
3 time, that was the last -- yeah, as far as go ask them for  
4 rent? Yeah, that was most recent time.

5 Q Okay. And so whatever his testimony is with  
6 respect to the timing, you would defer to him?

7 A Yeah. I believe Vance has got a better memory  
8 than I do.

9 Q All right. And, you know, you mentioned, for  
10 example, that you saw a coffee cup that was then either from  
11 7-Eleven or a second establishment --

12 A Yeah. There's two places right around here:  
13 Cumberland Farms, is a little store, and then there's a  
14 7-Eleven. I believe it was 7-Eleven but I'm sure that the  
15 Marshal guy would be able to tell you that.

16 Q All right. Well, what I want to ask is, you've  
17 also told us because of the medicines you take for epilepsy  
18 sometimes your memory's not as good --

19 A Yeah.

20 Q -- you have gaps, right?

21 A Yes. It comes and goes. It's, like, right now I  
22 can -- I see you and I remember your voice because I think I  
23 talked to you on the phone before, didn't I?

24 Q Yes.

25 A Okay. So I remember your voice and everything but

James Kennedy

58

1 if, say, for instance, if we didn't talk for two or three  
2 days and I seen you at a restaurant, I would know that I  
3 knew you but until you say, you know, this, this, and this,  
4 then it clicks.

5 Q And when it clicks, has it been accurate in your  
6 memory? When it clicks --

7 A Yes. When I remember.

8 Q Is what you recall accurate?

9 A Yeah. When I can get it there it does. But  
10 there's times that I have people come up and say, Hey, how  
11 you been and they're shaking my hand and I have no idea who  
12 they are.

13 Q Okay. The name that you saw on the bank statement  
14 for a million dollars, would it have been Phyllis Thompson?

15 A No. It was a guy's name. I can't --

16 Q Harvey?

17 A Yes, that's it, Harvey Thompson. I was thinking  
18 Wally or Wallace or something like that. That is it:  
19 Harvey Thompson is on that.

20 Q All right. And the boxes that you saw about the  
21 professional grade service things, how many boxes were that?

22 A Five, I'm almost positive.

23 Q Were they empty or full?

24 A Yeah, they're empty. They're tall, real hard  
25 blue, plastic boxes. They're, approximately, maybe

## James Kennedy

59

1 10 inches long. Now, on the end of each one of them there's  
2 a number taped on there, like, I'm not quoting this, but,  
3 say, 1 of 10 or 25 of 500 or 300, something like that, on  
4 each one of them. But all the boxes are empty.

5 Q Okay. And do you remember returning to this  
6 property after you had gone to dinner and finding lights on  
7 recently?

8 A Yeah. It wasn't that I went -- I remember what  
9 that was. Vance had said when he was over there that there  
10 was no lights on and when I went back the time to see there  
11 was, there was lights on. But at the same time, the light  
12 that's in the living room that was on, the shade that was  
13 over, it was a plastic shade, and when we went in there, I  
14 bumped that and it literally crumbled into dust so it's,  
15 like, it's been on a long time.

16 Maybe, maybe because it was daylight when Vance  
17 went there the one time he didn't see the light because at  
18 nighttime you can see the light. And I looked on the plug  
19 in and there's no timer on it or anything so either he  
20 didn't notice the light or someone had been back in there  
21 and turned it on.

22 Q How many boxes of cap, pipes, and sealers do you  
23 recollect seeing?

24 A Five or six. There was some empty ones. There  
25 are solid -- they're, approximately, oh, fifteen inches,

James Kennedy

60

1       eighteen inches wide, maybe twenty inches long and they're,  
2       I think, four or five... the pipes are, approximately, like,  
3       this big around (Indicating) and in each one of those  
4       boxes -- They are about that big around (Indicating).

5           Q   Is that, like, three inches in diameter?

6           A   I'd say four. They're big, really big pipes. And  
7       then, there are these huge steel caps for them but they're  
8       threaded at both ends. They're just short tubes.

9           Q   All right. And with respect to Alison Antekeier,  
10      when you went through the house did you see photographs of a  
11      woman?

12          A   Yes, I saw a photograph of a woman but I think one  
13      of the Marshals said that's not the lady Alison. There was  
14      a picture of a lady in there with a little boy and that was  
15      laying on the floor too or on the bed out in the open.

16          Q   Well, and that's the picture the Marshal said  
17      wasn't Antekeier?

18          A   I think so. I'm almost positive. You would have  
19      to look at it and see if it's her yourself.

20          Q   Do you know if you saw any pictures of Alison  
21      Antekeier from whatever anyone else said?

22          A   Don't remember. I don't think so because I don't  
23      know her.

24              MR. SZOLOS: Okay. That's all I have. Thank  
25      you.

James Kennedy

61

1 THE WITNESS: Yes, sir.

2 MR. ORGAN: I have no questions.

3 MR. TROLINGER: I think I have one question.

4 THE WITNESS: Yes, sir.

5 RECROSS-EXAMINATION

6 BY MR. TROLINGER:

7 Q You said that you spoke to Mr. Szolosi on the  
8 phone prior to today's date, the gentleman who was just  
9 asking you questions?

10 A Yeah. Because I remember his voice.

11 Q Okay. Did Mr. Szolosi tell you anything about  
12 this litigation?

13 A No. As a matter fact, I remember asking him, you  
14 know, to tell me -- I was getting ready to ask him that  
15 again -- what exactly all has happened because I'm only  
16 going on what I assume and what I've read. And he said he  
17 can't tell me that until they talk to me here.

18 MR. TROLINGER: Okay. Thank you. I have nothing  
19 further.

20 THE WITNESS: Can I ask a question though? Would  
21 you guys at least tell me what the whole story is now  
22 that...

23 MR. SZOLOS: Well, we cannot at this point, we  
24 cannot. But we do appreciate your time and we want to  
25 express our appreciation for you coming here today

**James Kennedy**

62

1 voluntarily. Thank you.

2 THE WITNESS: Well, I want to make sure -- you  
3 know, I figured I was doing the right thing because I  
4 seen the Marshal-thing there that there's a warrant for  
5 the guy and, you know, all the things saying that he  
6 had hurt people or taken their money.

7 I'll tell you one thing though, I'm not bothering  
8 with it again. Next time I'm doing what everybody else  
9 does: Turning my head so I don't have to go through  
10 it.

11 MR. SZOLOS: Well, thank you for your time today.  
12 Mr. Court Reporter, I will be ordering but I'd like to  
13 get back to you and get rates later. I'm late for an  
14 appointment.

15 (Whereupon, the reading and signing or waiving of  
16 the reading and signing of the deposition was  
17 given by the reporter.)

18 (Thereupon, at 1:12 p.m., the above-entitled  
19 deposition was concluded.)

20 STIPULATED and AGREED by and between counsel for  
21 the respective parties and the witness that the signature of  
22 the witness to the deposition and the reading of same be  
23 waived.

24

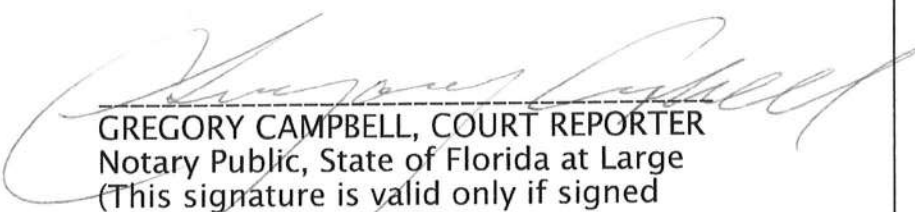
25

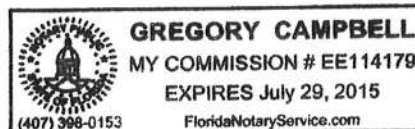
1 STATE OF FLORIDA )  
2 ) SS  
3 COUNTY OF INDIAN RIVER )

4 CERTIFICATE OF OATH

5  
6 I, GREGORY CAMPBELL, Notary Public of the State of  
7 Florida at Large, authorized to administer oaths, certify  
8 that JAMES MATTHEW KENNEDY personally appeared before me and  
9 was by me first duly sworn to tell the truth.

10 WITNESS my official seal this 23RD day of  
11 OCTOBER, 2012.

12   
13 GREGORY CAMPBELL, COURT REPORTER  
14 Notary Public, State of Florida at Large  
(This signature is valid only if signed  
in blue ink.)




1 STATE OF FLORIDA )  
2 COUNTY OF INDIAN RIVER ) SS

3  
4 CERTIFICATE OF REPORTER

5  
6 I, GREGORY CAMPBELL, a Shorthand Reporter and  
7 Notary Public of the State of Florida at Large, certify that  
8 I was authorized to and did stenographically report the  
9 deposition of JAMES MATTHEW KENNEDY; that a review of the  
10 transcript was not requested; and that the transcript is a  
11 true complete record of my stenographic notes.

12 I certify further that I am neither attorney nor  
13 counsel for, nor related to, nor employed by any of the  
14 parties to the action in which the deposition is taken, and,  
15 further, that I am not a relative or an employee of any  
16 attorney or counsel employed in this case, nor am I  
17 financially interested in the outcome of this action.

18 DATED this 23RD day of OCTOBER, 2012.

19  
20  
21  
22  
23  
24  
25  
  
GREGORY CAMPBELL, COURT REPORTER  
Notary Public, State of Florida at Large  
(This signature is valid only if  
signed in blue ink.)